

By: Nelson, et al.

S.B. No. 11

A BILL TO BE ENTITLED

AN ACT

relating to the administration and operation of the Temporary Assistance for Needy Families (TANF) program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. DRUG SCREENING AND TESTING OF CERTAIN TANF APPLICANTS
AND RECIPIENTS

SECTION 1.01. Subchapter B, Chapter 31, Human Resources Code, is amended by adding Section 31.0321 to read as follows:

Sec. 31.0321. DRUG SCREENING AND TESTING; ELIGIBILITY.

(a) In this section:

(1) "Commission" means the Health and Human Services Commission.

(2) "Controlled substance" has the meaning assigned by Chapter 481, Health and Safety Code.

(b) Except as provided in Subsections (f) and (g), each adult applicant for financial assistance benefits, including an applicant applying solely on behalf of a child, who initially applies for those benefits or who applies for the continuation of those benefits must submit to a controlled substance use screening assessment to establish the applicant's or the child's eligibility for the benefits. In addition, each minor parent who is the head of household must submit to a controlled substance use screening assessment on the initial application for financial assistance benefits and on any application for the continuation of those

1 benefits to establish the minor's eligibility for the benefits.

2 (c) A person whose controlled substance use screening
3 assessment conducted under this section indicates good cause to
4 suspect the person of controlled substance use shall submit to a
5 drug test to establish the eligibility of the person and the
6 person's family for financial assistance benefits.

7 (d) Except as provided in Subsection (e), a person whose
8 drug test conducted under this section indicates the presence in
9 the person's body of a controlled substance not prescribed for the
10 person by a health care practitioner is ineligible for financial
11 assistance benefits for the person and the person's family for a
12 period of 12 months beginning on the first day of the month after
13 the month in which the drug test was administered.

14 (e) A person who is denied financial assistance benefits
15 because of the results of a drug test conducted under this section
16 may reapply for financial assistance benefits six months after the
17 first day of the month after the month in which the drug test was
18 administered if the person provides proof of the person's
19 successful completion of or current enrollment in a substance abuse
20 treatment program. A person reapplying for financial assistance
21 benefits must submit to a drug test as required by Subsection (f),
22 regardless of whether the person is continuing to receive substance
23 abuse treatment.

24 (f) A person who is denied financial assistance benefits
25 because of the results of a drug test conducted under this section
26 must submit to a drug test, without first submitting to a controlled
27 substance use screening assessment, at the time of any

1 reapplication for financial assistance benefits and on any
2 application for the continuation of those benefits to establish the
3 eligibility of the person and the person's family for the benefits.

4 (g) A person who has been convicted of a felony drug offense
5 must submit to a drug test, without first submitting to a controlled
6 substance use screening assessment, at the time of an initial
7 application for financial assistance benefits and on any
8 application for the continuation of those benefits to establish the
9 eligibility of the person's family for the benefits.

10 (h) If a person is denied eligibility for financial
11 assistance benefits three times because of the results of a drug
12 test conducted under this section, the person and the person's
13 family are permanently ineligible for those benefits.

14 (i) Before denying financial assistance benefits under this
15 section, the commission must:

16 (1) notify the person who submitted to a drug test of
17 the results of the test and the commission's proposed determination
18 of ineligibility; and

19 (2) confirm the results of the drug test through a
20 second drug test or other appropriate method.

21 (j) The commission shall:

22 (1) use the most efficient and cost-effective
23 controlled substance use screening assessment tool that the
24 commission and the Department of State Health Services can develop
25 based on validated controlled substance use screening assessment
26 tools; and

27 (2) pay the cost of any controlled substance use

1 screening assessment or drug test administered under this section
2 out of the federal Temporary Assistance for Needy Families block
3 grant funds.

4 (k) The commission shall report to the Department of Family
5 and Protective Services for use in an investigation conducted under
6 Chapter 261, Family Code, if applicable, a person whose drug test
7 conducted under this section indicates the presence in the person's
8 body of a controlled substance not prescribed for the person by a
9 health care practitioner.

10 (l) The executive commissioner of the commission shall
11 adopt rules implementing this section.

12 SECTION 1.02. (a) Section 31.0321, Human Resources Code,
13 as added by this Act, applies to:

14 (1) an adult applicant, including an applicant
15 applying solely on behalf of a child, who initially applies for
16 financial assistance benefits under Chapter 31, Human Resources
17 Code, on or after the effective date of this Act;

18 (2) a minor parent who is the head of household who
19 initially applies for financial assistance benefits under Chapter
20 31, Human Resources Code, on or after the effective date of this
21 Act;

22 (3) an adult applicant, including an applicant
23 applying solely on behalf of a child, who applies for the
24 continuation of financial assistance benefits under Chapter 31,
25 Human Resources Code, on or after the effective date of this Act;
26 and

27 (4) a minor parent who is the head of household who

1 applies for the continuation of financial assistance benefits under
2 Chapter 31, Human Resources Code, on or after the effective date of
3 this Act.

4 (b) Except as provided by Subsections (a)(3) and (4) of this
5 section, an adult applicant, including an applicant applying solely
6 on behalf of a child, and a minor parent who is the head of household
7 who applied for financial assistance benefits under Chapter 31,
8 Human Resources Code, before the effective date of this Act are
9 governed by the law in effect when the person applied for financial
10 assistance benefits, and that law is continued in effect for that
11 purpose.

12 ARTICLE 2. MANDATORY PARTICIPATION IN TANF EMPLOYMENT PROGRAMS BY
13 CERTAIN PERSONS

14 SECTION 2.01. Section 31.0033(d), Human Resources Code, is
15 amended to read as follows:

16 (d) The executive commissioner of the Health and Human
17 Services Commission [~~department~~] by rule shall establish criteria
18 for good cause failure to cooperate and guidelines for what
19 constitutes a good faith effort on behalf of a recipient under this
20 section, except that the Texas Workforce Commission shall establish
21 criteria for good cause failure to cooperate with regard to work or
22 employment activities in accordance with Section 31.012(b).

23 SECTION 2.02. The heading to Section 31.012, Human
24 Resources Code, is amended to read as follows:

25 Sec. 31.012. MANDATORY WORK OR PARTICIPATION IN EMPLOYMENT
26 ACTIVITIES [~~THROUGH THE JOB OPPORTUNITIES AND BASIC SKILLS~~
27 ~~PROGRAM~~].

1 SECTION 2.03. Section 31.012, Human Resources Code, is
2 amended by amending Subsections (a), (b), (c), (d), and (e) and
3 adding Subsections (c-1) and (g) to read as follows:

4 (a) Except as provided by Subsections (c) and (g), the
5 Health and Human Services Commission [~~The department~~] shall require
6 that, during any one-month period in which an adult is receiving or
7 the child of a nonrecipient parent is receiving financial
8 assistance under this chapter, the adult or nonrecipient parent
9 shall during that period:

10 (1) work not less than 30 hours a week; or

11 (2) participate for not less than 20 hours a week in an
12 activity established under a Temporary Assistance for Needy
13 Families employment program under Part A, Subchapter IV, Social
14 Security Act (42 U.S.C. Section 601 et seq.) [~~the job opportunities~~
15 ~~and basic skills (JOBS) training program under Part F, Subchapter~~
16 ~~IV, Social Security Act (42 U.S.C. Section 682)]].~~

17 (b) The Texas Workforce Commission [~~department~~] by rule
18 shall establish criteria for good cause failure to cooperate and
19 for notification procedures regarding participation in work or
20 employment activities under this section.

21 (c) A person providing care for [~~who is the caretaker of~~] a
22 family member with a disability [~~physically or mentally disabled~~
23 ~~child~~] who lives in the person's home and requires the person's
24 [~~caretaker's~~] presence is not required to participate in a program
25 under this section. A single person who is the caretaker of a child
26 is exempt until the caretaker's youngest child at the time the
27 caretaker first became eligible for assistance reaches the age of

1 one. Notwithstanding Section [~~Sections~~] 31.0035(b) [~~and~~
2 ~~32.0255(b)~~], the Texas Workforce Commission [~~department~~] shall
3 provide to a person who is exempt under this subsection and who
4 voluntarily participates in a program under Subsection (a)(2) six
5 months of transitional benefits in addition to the [~~applicable~~]
6 limit prescribed by Section 31.0065.

7 (c-1) Notwithstanding Section 531.0055, Government Code,
8 the executive commissioner of the Health and Human Services
9 Commission may not adopt rules that provide exceptions to a
10 person's required participation in work or employment activities
11 that are in addition to the exceptions provided by Subsections (c)
12 and (g).

13 (d) A state program operated under this section shall be
14 administered by the division of workforce development of the Texas
15 Workforce Commission [~~when the program is transferred to that~~
16 ~~commission~~].

17 (e) The Texas Workforce Commission [~~department~~] shall allow
18 a person who is participating in work or employment activities
19 under this section to complete those activities if the person
20 becomes ineligible to receive financial assistance under this
21 chapter because the person receives child support in an amount that
22 makes the person ineligible for that assistance. The Texas
23 Workforce Commission [~~department~~] shall provide to the person
24 necessary child care services until the date on which the person
25 completes work or employment activities under this section.

26 (g) A nonrecipient parent who receives Supplemental
27 Security Income (SSI) benefits under 42 U.S.C. Section 1381 et seq.

1 is not subject to the requirements of this section. The Texas
2 Workforce Commission may provide services to the nonrecipient
3 parent under this chapter in accordance with commission rules.

4 SECTION 2.04. Section 31.014(a), Human Resources Code, is
5 amended to read as follows:

6 (a) The Health and Human Services Commission [~~department~~]
7 shall provide financial assistance, in accordance with
8 [~~department~~] rules adopted by the executive commissioner of the
9 Health and Human Services Commission, to a two-parent family if the
10 primary wage earner parent, other than a nonrecipient parent
11 described by Section 31.012(g), is registered with a Temporary
12 Assistance for Needy Families employment program under Part A,
13 Subchapter IV, Social Security Act (42 U.S.C. Section 601 et seq.)
14 [~~in the job opportunities and basic skills (JOBS) training program~~
15 ~~under Part F, Subchapter IV, Social Security Act (42 U.S.C. Section~~
16 ~~682)]~~, or is registered with the Texas Workforce [~~Employment~~]
17 Commission.

18 SECTION 2.05. Sections 31.0126(c) and 31.014(c), Human
19 Resources Code, are repealed.

20 SECTION 2.06. Section 31.012, Human Resources Code, as
21 amended by this Act, applies to a person receiving financial
22 assistance benefits under Chapter 31, Human Resources Code,
23 including a nonrecipient parent, as defined by Section 31.0021,
24 Human Resources Code, on or after the effective date of this Act,
25 regardless of the date the determination of eligibility for those
26 benefits was made.

ARTICLE 3. USE OF TANF BENEFITS

SECTION 3.01. Section 31.0355, Human Resources Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) A retailer who accepts payment for goods and services through the EBT system shall ensure that financial assistance benefits are not used to purchase goods and services the purchase of which is not authorized under this section or rules adopted under this section, including alcoholic beverages, tobacco products, lottery tickets, adult entertainment, firearms, ammunition, and bingo.

ARTICLE 4. TANF TIME LIMITS

SECTION 4.01. Section 31.0035(b), Human Resources Code, is amended to read as follows:

(b) Except as provided by Section 31.012(c), the Texas Workforce Commission [~~department~~] may provide the child-care services only until the earlier of:

(1) the end of the [~~applicable~~] period prescribed by Section 31.0065 for the provision of transitional benefits; or

(2) the first anniversary of the date on which the person becomes ineligible for financial assistance because of increased household income.

SECTION 4.02. Section 31.0065, Human Resources Code, is amended to read as follows:

Sec. 31.0065. TIME-LIMITED BENEFITS. (a) Subject to the exemptions adopted under Section 31.0067, the Health and Human Services Commission [~~The department~~] may provide financial assistance under this chapter only in accordance with the time

1 limits specified by this section. [~~The department by rule may~~
2 ~~provide for exceptions to these time limits if severe personal~~
3 ~~hardship or community economic factors prevent the recipient from~~
4 ~~obtaining employment or if the state is unable to provide support~~
5 ~~services.~~]

6 (b) The Health and Human Services Commission [~~department~~]
7 shall limit financial assistance provided to a person and the
8 person's family to a cumulative total of 36 months of financial
9 assistance benefits and 12 months of transitional benefits [~~and~~
10 ~~transitional benefits in accordance with the following schedule:~~

11 [~~(1) financial assistance is limited to a cumulative~~
12 ~~total of 12 months and transitional benefits are limited to 12~~
13 ~~months if the person receiving financial assistance on behalf of a~~
14 ~~dependent child has:~~

15 [~~(A) a high school diploma, a high school~~
16 ~~equivalency certificate, or a certificate or degree from a two-year~~
17 ~~or four-year institution of higher education or technical or~~
18 ~~vocational school; or~~

19 [~~(B) recent work experience of 18 months or more;~~

20 [~~(2) financial assistance is limited to a cumulative~~
21 ~~total of 24 months and transitional benefits are limited to 12~~
22 ~~months if the person receiving financial assistance on behalf of a~~
23 ~~dependent child has:~~

24 [~~(A) completed three years of high school; or~~

25 [~~(B) recent work experience of not less than six~~
26 ~~or more than 18 months; and~~

27 [~~(3) financial assistance is limited to a cumulative~~

1 ~~total of 36 months and transitional benefits of 12 months if the~~
2 ~~person receiving financial assistance on behalf of a dependent~~
3 ~~child has:~~

4 ~~[(A) completed less than three years of high~~
5 ~~school; and~~

6 ~~[(B) less than six months of work experience].~~

7 (c) ~~[If the recipient has completed less than three years of~~
8 ~~high school and has less than six months work experience, the~~
9 ~~department shall perform an in-depth assessment of the needs of~~
10 ~~that person and that person's family. If the recipient cooperates~~
11 ~~with the department's assessment, the time period prescribed by~~
12 ~~Subsection (b)(3) begins on the first anniversary of the date on~~
13 ~~which the department completes the assessment, as determined by the~~
14 ~~department.~~

15 ~~[(d)]~~ The computation of time limits under Subsection (b)
16 begins when the person begins receiving financial assistance ~~[adult~~
17 ~~or teen parent recipient receives notification under Section~~
18 ~~31.012(b) of the availability of an opening in and eligibility for~~
19 ~~the job opportunity and basic skills (JOBS) program Part F,~~
20 ~~Subchapter IV, Social Security Act (42 U.S.C. Section 682)].~~

21 ~~[(e) In implementing the time-limited benefits program, the~~
22 ~~department.~~

23 ~~[(1) shall provide that a participant in the program~~
24 ~~may reapply with the department for financial assistance on or~~
25 ~~after the fifth anniversary of the date on which the participant is~~
26 ~~totally disqualified from receiving assistance because of the~~
27 ~~application of Subsection (b); and~~

1 ~~[(2) shall establish the criteria for determining what~~
2 ~~constitutes severe personal hardship under Subsection (a).]~~

3 ~~[(f) If the department is imposing time-limited benefits on~~
4 ~~an individual, the department shall consider:~~

5 ~~[(1) the assessment of the individual's need that was~~
6 ~~conducted by the department, provided that if the needs assessment~~
7 ~~indicates discrepancies between a client's self-reported~~
8 ~~educational level and the client's functional abilities, the time~~
9 ~~limits shall be based upon the functional educational level; and~~

10 ~~[(2) the prevailing economic and employment~~
11 ~~conditions in the area of the state where the individual resides.]~~

12 SECTION 4.03. Section 31.0066, Human Resources Code, is
13 amended by amending Subsection (a) and adding Subsection (c) to
14 read as follows:

15 (a) The ~~[department, the]~~ Texas Workforce Commission~~[,]~~ and
16 the executive commissioner of the Health and Human Services
17 Commission shall jointly adopt rules prescribing circumstances
18 that constitute a hardship for purposes of exempting a recipient of
19 financial assistance from the application of time limits imposed by
20 federal law on the receipt of benefits.

21 (c) The rules must include guidelines to address the
22 continued participation in work or employment activities required
23 under Section 31.012 by recipients of financial assistance exempted
24 from the application of time limits imposed by federal law.

25 SECTION 4.04. Subchapter A, Chapter 31, Human Resources
26 Code, is amended by adding Section 31.0067 to read as follows:

27 Sec. 31.0067. HARDSHIP EXEMPTIONS FROM STATE TIME LIMITS.

1 (a) The Texas Workforce Commission and the executive commissioner
2 of the Health and Human Services Commission shall jointly adopt
3 rules prescribing circumstances that constitute a hardship for
4 purposes of exempting a recipient of financial assistance from the
5 application of time limits imposed by Section 31.0065 on the
6 receipt of benefits.

7 (b) The rules must include a broad range of circumstances
8 that reasonably prevent recipients of financial assistance from
9 becoming self-supporting before expiration of the period specified
10 by Section 31.0065.

11 (c) The rules must include guidelines to address the
12 continued participation in work or employment activities required
13 under Section 31.012 by recipients of financial assistance exempted
14 from the application of time limits imposed by Section 31.0065.

15 SECTION 4.05. Section 32.0255(b), Human Resources Code, is
16 amended to read as follows:

17 (b) Except as provided by Section 31.012(c), the state may
18 provide the medical assistance only until the earlier of:

19 (1) the end of the ~~[applicable]~~ period prescribed by
20 Section 31.0065 for the provision of transitional benefits; or

21 (2) the first anniversary of the date on which the
22 person becomes ineligible for financial assistance because of
23 increased household income.

24 SECTION 4.06. The Texas Workforce Commission and the
25 executive commissioner of the Health and Human Services Commission
26 shall adopt the rules required by Section 31.0066, Human Resources
27 Code, as amended by this Act, and Section 31.0067, Human Resources

1 Code, as added by this Act, not later than December 1, 2013.

2 SECTION 4.07. Section 31.0065, Human Resources Code, as
3 amended by this Act, applies to a person receiving financial
4 assistance benefits under Chapter 31, Human Resources Code, on or
5 after January 1, 2014, regardless of the date the determination of
6 eligibility for those benefits was made.

7 ARTICLE 5. TANF RESPONSIBILITY AGREEMENTS

8 SECTION 5.01. Section 31.0031, Human Resources Code, is
9 amended by amending Subsections (a), (d), and (g) and adding
10 Subsection (i) to read as follows:

11 (a) The Health and Human Services Commission [~~department~~]
12 shall require each adult recipient and each teen parent recipient
13 who is the head of household to sign a bill of responsibilities that
14 defines the responsibilities of the state and of the recipient and
15 encourages personal responsibility. The commission [~~department~~]
16 shall explain to the applicant the work requirements and
17 time-limited benefits in addition to the other provisions of the
18 agreement before the applicant signs the agreement. The commission
19 [~~department~~] shall provide each applicant with a copy of the signed
20 agreement. The agreement shall include pertinent case information,
21 including the case number and a listing of the state's benefits.

22 (d) The responsibility agreement shall require that:

23 (1) the parent of a dependent child cooperate with the
24 Health and Human Services Commission [~~department~~] and the Title
25 IV-D agency if necessary to establish the paternity of the
26 dependent child and to establish or enforce child support;

27 (2) if adequate and accessible providers of the

1 services are available in the geographic area and subject to the
2 availability of funds, each dependent child, as appropriate,
3 complete early and periodic screening, diagnosis, and treatment
4 checkups on schedule and receive the immunization series prescribed
5 by Section 161.004, Health and Safety Code, unless the child is
6 exempt under that section;

7 (3) each adult recipient, or teen parent recipient who
8 has completed the requirements regarding school attendance in
9 Subdivision (6), not voluntarily terminate paid employment of at
10 least 30 hours each week without good cause in accordance with rules
11 adopted by the Texas Workforce Commission [~~department~~];

12 (4) each adult recipient and each teen parent
13 recipient who is the head of household for whom a needs assessment
14 is conducted participate in an activity to enable that person to
15 become self-sufficient by:

16 (A) continuing the person's education or
17 becoming literate;

18 (B) entering a job placement or employment skills
19 training program;

20 (C) serving as a volunteer in the person's
21 community; or

22 (D) serving in a community work program or other
23 work program approved by the Texas Workforce Commission
24 [~~department~~];

25 (5) each caretaker relative or parent receiving
26 assistance not use, sell, or possess marihuana or a controlled
27 substance in violation of Chapter 481, Health and Safety Code, or

1 abuse alcohol;

2 (6) each dependent child younger than 18 years of age
3 and each ~~[or]~~ teen parent younger than 19 years of age and other
4 teen parent recipient who is the head of household attend school
5 regularly, unless the person ~~[child]~~ has a high school diploma or
6 high school equivalency certificate or is a child who is
7 specifically exempted from school attendance under Section 25.086,
8 Education Code;

9 (7) each recipient comply with Health and Human
10 Services Commission ~~[department]~~ rules regarding proof of school
11 attendance; and

12 (8) each recipient attend appropriate parenting
13 skills training classes, as determined by the needs assessment.

14 (g) In this section:

15 (1) "Caretaker relative" means a person who is listed
16 as a relative eligible to receive assistance under 42 U.S.C.
17 Section 602(a).

18 (2) "Payee" means a person, excluding a nonrecipient
19 parent, who resides in a household with a dependent child and who is
20 within the degree of relationship with the child that is required of
21 a caretaker but whose needs are not included in determining the
22 amount of financial assistance provided for the person's household.

23 (i) The Health and Human Services Commission shall require
24 each nonrecipient parent to sign a bill of responsibilities that
25 defines the responsibilities of the state and of the nonrecipient
26 parent. The responsibility agreement must require that a
27 nonrecipient parent comply with the requirements of Subsections

1 (d)(1) through (8).

2 SECTION 5.02. Section 31.0031(f), Human Resources Code, is
3 repealed.

4 ARTICLE 6. STUDY

5 SECTION 6.01. STUDY OF ELECTRONIC PROVISION OF FINANCIAL
6 ASSISTANCE BENEFITS. (a) The Health and Human Services Commission
7 shall study the feasibility of providing financial assistance
8 benefits under Chapter 31, Human Resources Code, in the form of an
9 electronic voucher that can be used and accepted in the same manner
10 as a credit card.

11 (b) Not later than September 1, 2014, the Health and Human
12 Services Commission shall report its findings to the governor, the
13 lieutenant governor, the speaker of the house of representatives,
14 the Senate Health and Human Services Committee or its successor,
15 and the House Human Services Committee or its successor.

16 (c) This section expires September 1, 2015.

17 ARTICLE 7. FEDERAL AUTHORIZATION AND EFFECTIVE DATE

18 SECTION 7.01. If before implementing any provision of this
19 Act a state agency determines that a waiver or authorization from a
20 federal agency is necessary for implementation of that provision,
21 the agency affected by the provision shall request the waiver or
22 authorization and may delay implementing that provision until the
23 waiver or authorization is granted.

24 SECTION 7.02. This Act takes effect September 1, 2013.